

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO:

**STEPHANIE JONES NORWOOD and
STEVEN WAYNE NORWOOD**

22-12343-JDW

NOTICE OF MOTION TO DISMISS

Should any party receiving this Notice respond to the Motion, such response is required to be filed on or before January 16, 2023, with the Clerk of this Court using the CM/ECF system or at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

A copy of such response must be served on the Chapter 13 Trustee. If no responses are filed, the Court may consider the Motion immediately after the time for responses has expired. In the event a response is filed, the Court will notify you of the date, time, and place of the hearing.

CERTIFICATE OF SERVICE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to all affected creditors and their attorney if known.

Dated: December 22, 2022.

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

/s/ W. Jeffrey Collier
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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MOTION TO DISMISS

COMES NOW Locke D. Barkley, Chapter 13 Trustee (the “Trustee”), by and through counsel, and files this Motion to Dismiss (the “Motion”) and in support thereof states as follows:

1. The Debtor¹ initiated this proceeding with the filing of a voluntary petition for relief on September 15, 2022. The Chapter 13 Plan (Dkt. #9) (the “Plan”) was filed on September 19, 2022.

2. The Debtors have failed to fully fund the Plan and are \$2,100.00 delinquent in plan payments through December 2022, which reflects credit for all payments received by the Trustee through December 21, 2022. Plan payments continue to accrue at the rate of \$1,300.00 per month thereafter. The failure by the Debtors to fund the Plan demonstrates that the Plan is not feasible.

3. The Trustee requests that this bankruptcy case be dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that upon notice and hearing that this Court enter its order granting the Motion and for

¹ The above-referenced Debtor or Debtors shall be referred to herein in the singular as Debtor unless specified otherwise (e.g. Debtor1 or Debtor2).

such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: December 22, 2022.

Respectfully submitted,

**LOCKE D. BARKLEY,
CHAPTER 13 TRUSTEE**

By: /s/ W. Jeffrey Collier
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, MS 39211
(601) 355-6661
ssmith@barkley13.com

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: December 22, 2022.

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER